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★ NOV 28 2011 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
ZAIRE PAIGE,

BROOKLYN OFFICE

Plaintiff,

-against-

THE CITY OF NEW YORK, *et al.*,

ORDER AND CIVIL JUDGMENT

10-CV-5469 (SLT)(RER)

Defendants.

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TOWNES, United States District Judge:

On October 14, 2011, this Court received an affidavit from *pro se* plaintiff Zaire Paige asking, among other things, why the above-referenced action was "being dismissed." Writ of Discovery, dated Sept. 27, 2011, at 1. This Court responded to plaintiff's inquiry by clarifying that this action had not been dismissed. The Court stated:

[T]his Court has dismissed various defendants – including Justice Del Guidice and Assistant District Attorney Gough – and various claims – including those claims against defendants Perez and LaCoste which allege that these two NYPD officers (1) testified falsely both before the grand jury and at plaintiff's trial or (2) subjected plaintiff to custodial interrogation without providing any *Miranda* warnings. However, in a Memorandum and Order dated August 22, 2011, this Court granted plaintiff leave to file a second amended complaint to clarify the circumstances under which Detectives LaCoste and Perez conducted certain allegedly "secret" lineups. By order dated October 12, 2011, this Court extended plaintiff's time to file that second amended complaint to November 14, 2011.

Memorandum and Order dated Oct. 24, 2011, at 1-2. The Court then warned plaintiff that the action would be dismissed unless he took action before November 14, 2011. *Id.* at 2.

To date, plaintiff has not filed a second amended complaint. Accordingly, it is:

ORDERED, ADJUDGED AND DECREED: That this action is hereby dismissed. The

Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal.

SO ORDERED.

/S/

SANDRA L. TOWNES
United States District Judge

Dated: November 28, 2011
Brooklyn, New York